

# STATE OF ALASKA

## ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

**SEAN PARNELL, Governor**

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March 28, 2012

Helen Clough, Chief  
Division of Conservation Planning & Policy  
U.S. Dept. of the Interior, Fish & Wildlife Service  
1011 East Tudor Road, MS-231  
Anchorage, Alaska 99503

Re: Draft Compatibility Determination for Yukon Flats National Wildlife Refuge

Dear Ms. Clough:

The State of Alaska reviewed the draft compatibility determinations for 13 existing subsistence and trapping cabins on Yukon Flats National Wildlife Refuge. This letter contains the consolidated views of the State's resource agencies.

We appreciate that there are no administrative fees associated with these special use permits and offer the following page specific comments for your consideration.

Page 5, last bullet: This compatibility stipulation contradicts bullet 9 on page 6, and is not consistent with 50 CFR 36.33(c)(2)(vi) which states:

*The claimant's agreement to vacate and remove all personal property from the cabin and related structures within **one year** from receipt of a nonrenewal or revocation notice.[emphasis added]*

The additional time allowance in regulation gives the permittee the flexibility to work around typical access issues related to remote Alaska cabins. Access is often only seasonally available, for example, during periods of adequate snow cover for snowmachine use. Therefore, we request this contradictory stipulation be either deleted or revised as follows:

*All property of the permittee must be removed from Refuge lands within ~~60 days~~ one year upon completion or revocation of permitted activities, and the surrounding grounds must be left in a neat, clean, and orderly condition. If the permittee does not abide by these conditions, he/she will be liable for the cost of the removal of property and/or restoration of the site.*

Page 6, 3<sup>rd</sup> bullet: We request this stipulation be removed. Section 811 of ANILCA provides for the use of surface transportation traditionally employed for subsistence purposes by local residents, subject to reasonable regulation, as confirmed in the Yukon Flats CCP, which states:

*Access to refuge lands by traditional means will be permitted for subsistence purposes, subject to reasonable regulation, in accordance with Section 811 of ANILCA.*

Subsistence access restrictions must be implemented through 50 CFR 36.12. We are not aware of any subsistence access closures on the Refuge.

Page 6, 9<sup>th</sup> bullet: To be consistent with 50 CFR 36.15, we recommend the following edit to this stipulation:

*The cutting or girdling of live trees (greater than ~~36~~ inches in diameter) is prohibited. Gathering of dead or downed timber for firewood is allowed anytime.*

In addition, it is not clear how permittees would comply with bullets 7 and 9, should they conflict. We support the intent of bullet 7 and recommend the Service reconcile any potential conflicts between the two stipulations, and any conflicts with 50 CFR 36.15.

Page 8, Mandatory 10-year Reevaluation Date: It appears that this date should be May 2022, instead of May 2017.

Thank you for the opportunity to comment. If you have questions, please contact me at (907) 334-2563.

Sincerely,



Nina Brudie  
ANILCA Project Coordinator

cc: Susan Magee, ANILCA Program Coordinator